

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON DAVIS,

Plaintiff,

v.

CALIFORNIA DEP'T OF
CORRECTIONS, ET AL.,

Defendants.

Case No. 1:21-cv-01769-HBK

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 3)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND ASSESSING
INITIAL PAYMENT OF \$47.57

Plaintiff, a prisoner, initiated this action, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 7, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement and a Certification from prison officials in support. (Doc. Nos. 3, 6). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is obligated to make an initial payment of \$47.57¹ (20% of the average 6-month balance immediately preceding the filing of the complaint). *Id.*, § 1915(b)(1)(B).** Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited to her trust account. The California Department of

¹ According to Plaintiff's Inmate Statement Report, Plaintiff had deposits totaling \$1427.18 over the relevant 6-month period. (Doc. No. 6).

1 Corrections is required to send the initial \$47.57 payment to the Clerk of the Court and
2 subsequent payments from Plaintiff's account each time the amount in his account exceeds
3 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 ACCORDINGLY, it is **ORDERED**:

5 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 3) is GRANTED.
6 **2. The Secretary of the California Department of Corrections, or his designee shall**
7 **forward an initial payment of \$47.57 to the Clerk of the Court from Plaintiff's prison trust**
8 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
9 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
10 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
11 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
12 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
13 number assigned to this action.

14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
15 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
16 the court's electronic case filing system (CM/ECF).

17 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
18 Department, U.S. District Court, Eastern District of California.

19
20 Dated: December 15, 2021


21 HELENA M. BARCH-KUCHTA
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28